

Kerala Gazette No. 47 dated 29th November 2016.

**PART I**

**Section i**



GOVERNMENT OF KERALA

**Law (Legislation-Publication) Department**

NOTIFICATION

No. 18980/Leg.Pbn 2/2016/Law. *Dated, Thiruvananthapuram, 7th September, 2016.*

The following Act of Parliament published in the Gazette of India, Extraordinary, Part II, Section I dated the 22nd day of March, 2016 is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President of India on the 21st day of March, 2016.

By order of the Governor,

A. C. FRANCIS,  
*Joint Secretary.*

THE HIGH COURT AND THE SUPREME COURT JUDGES (SALARIES  
AND CONDITIONS OF SERVICE), AMENDMENT ACT, 2016  
(ACT No. 13 OF 2016)

AN

ACT

*further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

CHAPTER I  
PRELIMINARY

**1. Short title and commencement.**—(1) This Act may be called the High Court and the Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2016.

(2) The provisions of section 8 shall be deemed to have come into force on the 1st day of April, 2004 and the remaining provisions shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II  
AMENDMENT OF THE HIGH COURT JUDGES (SALARIES AND  
CONDITIONS OF SERVICE) ACT, 1954

**2. Amendment of section 2.**—In the High Court Judges (Salaries and Conditions of Service) Act, 1954 (28 of 1954) (hereinafter referred to as the High Court Judges Act), in section 2,—

(a) in sub-section (1),—

(i) in clause (b), the words, brackets and figures “under sub-section (2) of section 222 of the Government of India Act, 1935 or” shall be omitted;

(ii) in clause (d), the words, brackets and figures “under sub-section (3) of section 222 of the Government of India Act, 1935 or” shall be omitted;

(iii) clause (e) shall be omitted;

(b) in sub-section (2), for the words “previous service for any period or periods as acting Judge or additional Judge or as a Judge of a former Indian High Court”, the words “service for any period or periods as acting Judge or additional Judge” shall be substituted;

(c) sub-sections (3) and (4) shall be omitted.

**3. Amendment of section 3.**—In the High Court Judges Act, in section 3, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) For the purposes of this Chapter, casual leave may be admissible to a Judge in a calendar year, for such number of days and subject to such conditions as may be prescribed.”.

**4. Amendment of Section 4A.**—In the High Court Judges Act, in section 4A, for the words “in respect of the period of earned leave at his credit”, the words “in respect of the period of leave at his credit, calculated on full allowances basis,” shall be substituted.

**5. Substitution of new section for section 9.**—In the High Court Judges Act, for section 9, the following section shall be substituted, namely:—

“9. *Leave allowances.*—The monthly rate of leave salary payable to a Judge shall be in accordance with the provisions of sub-section (1) of section 3.”.

**6. Omission of section 10.**—In the High Court Judges Act, section 10 shall be omitted.

**7. Amendment of section 14.**—In the High Court Judges Act, in section 14, in the first proviso,—

(i) for clause (b), the following clause shall be substituted, namely:—

“(b) he has attained the age of sixty-two years; or”;

(ii) for the *Explanation*, the following shall be substituted, namely:—

‘*Explanation.*—In this section “Judge” means a Judge who has not held any other pensionable post under the Union or a State and includes a Judge who having held any other pensionable post under the Union or a State has elected to receive the pension payable under Part I of the First Schedule.’.

**8. Insertion of new section 14A.**—In the High Court Judges Act, after section 14, the following section shall be inserted, namely:—

“14A.—*Benefit of added years of service.*—Subject to the provisions of this Act, a period of ten years shall be added and shall be deemed to have been added from the 1st day of April, 2004 for the purposes of pension, to the service of a Judge who is appointed as such Judge under sub-clause (b) of clause (2) of article 217 of the Constitution.”.

**9. Amendment of section 15.**—In the High Court Judges Act, in section 15,—

(a) in sub-section (1),—

(i) clause (a) shall be omitted;

(ii) in clause (b), the words “is not a member of the Indian Civil Service but” shall be omitted;

(iii) in the proviso for the words and figures, “as the case may be, Part II or” shall be omitted;

(b) in sub-section (2), the words and figures “Part II or, as the case may be” shall be omitted.

**10. Amendment of Section 16.**— In the High Court Judges Act, in section 16, in the proviso, the words and figures “Part II or” shall be omitted.

**11. Amendment of Section 17A.**—In the High Court Judges Act, in section 17A,—

(a) in sub-section (1), in the *Explanation*, in clause (ii), the words and figures “Part II or” shall be omitted;

(b) in sub-section (2), the words and figures “Part II or” shall be omitted.

**12. Omission of section 18.**—In the High Court Judges Act, section 18 shall be omitted.

**13. Amendment of section 20.**—In the High Court Judges Act, in section 20,—

(a) in the first proviso, the words “is a member of the Indian Civil Service or” shall be omitted;

(b) the second proviso, shall be omitted.

**14. Omission of section 23B.**—In the High Court Judges Act, section 23B shall be omitted.

**15. Amendment of section 24.**—In the High Court Judges Act, in section 24, in sub-section (2), after clause (a), the following clause shall be inserted, namely:—

“(aa) the number of casual leaves and the conditions subject to which it may be allowed under sub-section (3) of section 3;”.

**16. Omissions of section 25.**—In the High Court Judges Act, Section 25 shall be omitted.

**17. Amendment to first schedule.**—In the High Court Judges Act, in the First Schedule,—

(a) in Part I,—

(i) for paragraph I, the following paragraph shall be substituted, namely:—

“1. The provisions of this Part apply to a Judge who has not held any other pensionable post under the Union or a State or a Judge who having held any other pensionable post under the Union or a State has elected to receive the pension payable under this Part.”;

(ii) in paragraph 2, for the words “and who has completed not less than seven years of service” shall be omitted;

(iii) paragraphs 8 and 9 shall be omitted.

(b) Part II shall be omitted.

### CHAPTER III

#### AMENDMENT OF THE SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) ACT, 1958

**18. Amendment of section 2.**—In the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 (*41 of 1958*), (hereinafter referred to as the Supreme Court Judges Act), in section 2, in clause (g), for the words “either in the Federal Court or in the Supreme Court or in any such Court” the words “in the Supreme Court” shall be substituted.

**19. Amendment of section 3.**—In the Supreme Court Judges Act, in section 3, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) For the purposes of this Chapter, casual leave may be admissible to a Judge in a calendar year, for such number of days and subject to such conditions as may be prescribed.”.

**20. Amendment of Section 4A.**—In the Supreme Court Judges Act, in section 4A, for the words “in respect of the period of earned leave at his credit”, the words “in respect of the period of leave at his credit, calculated on full allowances basis,” shall be substituted.

**21. Substitution of new section for section 9.**—In the Supreme Court Judges Act, for section 9, the following section shall be substituted, namely:—

“9. *Leave allowances.*—The monthly rate of leave salary payable to a Judge shall be in accordance with the provisions of sub-section (1) of section 3.”.

**22. Amendment of Section 13.**— In the Supreme Court Judges Act, in section 13, for the *Explanation*, the following *Explanation* shall be substituted, namely:—

‘*Explanation*—In this section, “Judge” means a Judge who has not held any other pensionable post under the Union or a State and includes a person who was in service as a Judge on the 20th May, 1954, and also includes a Judge having held any other pensionable post under the Union or a State, who has elected to receive the pension payable under Part I of the Schedule.’.

**23. Amendment of Section 14A.**—In the Supreme Court Judges Act, in section 14,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Every Judge who has held any other pensionable post under the Union or a State shall, on his retirement, be paid a pension in accordance with the provisions of Part III of the schedule:

Provided that every such Judge shall elect to receive the pension payable to him either under Part I of the Schedule, or as the case may be, Part III of the Schedule, and the pension payable to him shall be calculated accordingly.”;

(b) in sub-section (2), the words and figures “Part II or, as the case may be,” shall be omitted.

**24. Amendment of Section 16A.**—In the Supreme Court Judges Act, in section 16A in sub-section (1), the *Explanation*, in clause (ii), the words and figures “Part II or” shall be omitted.

**25. Omission of section 18.**—In the Supreme Court Judges Act, section 18 shall be omitted.

**26. Amendment of section 20.**—In the Supreme Court Judges Act, in section 20, in the first proviso, the words “is a member of the Indian Civil Service or” shall be omitted.

**27. Amendment of section 24.**—In the Supreme Court Judges Act, in section 24, in sub-section (2), after clause (a), the following clause shall be inserted, namely:—

“(aa) the number of casual leaves and the conditions subject to which it may be allowed under sub-section (3) of section 3.”.

**28. Amendment of Schedule.**—In the Supreme Court Judges Act, in the Schedule,—

(a) in Part I, for paragraph 1, the following paragraph shall be substituted, namely:—

“ 1. The provisions of this Part apply to a Judge who has not held any other pensionable post under the Union or a State and also apply to a person who was in service as a Judge on the 20th May, 1954, and to a Judge who, having held any other pensionable posts under the Union or a State, has elected to receive the pension payable under this Part.”;

(b) Part II shall be omitted.